

July 13, 2010

Good Morning.

Firstly, I'd like to thank all of the family and friends who got up early and took the time to be here today. You all mean a great deal to me.

My name is Stephen Dempsey. I have lived in the Town of Hingham my whole life, 44 years. I have worked for the Town for nearly 20 years, have been an active member of Teamsters Local 25 for 10 years, and I have worked in the Sewer Department for 6 years.

If at any time during this meeting I am dismissed, interrupted or unable to finish my testimony, I have copies of the transcript and can assure you that anyone who wants to listen will have full access to my knowledge and/or documents and correspondence.

I'd like to take this opportunity to speak to you, knowing that my fate is most likely already sealed, and tell you some untold truths about the Hingham Sewer Department. I have detailed notes of the date in question of which I may formally be disciplined for today, and I will be more than willing to share them with anyone, including the Sewer Commission, The Selectmen, Town Council, the Tax and Rate Payers and the Media.

Please be advised that the date in question is not the real issue here today. The issue today is the fact that I, along with the other 2 members of the crew of the Hingham Sewer Department have been working in a hostile working environment for a number of years now. We have been subject to verbal and sexual harrassment, threats to our livelihood, threats to our safety and an overall lack of respect for the jobs that we perform. Any attempt on our part to improve our working conditions has been met with blatant retaliation by Supervisor Dow and the Sewer Commission.

I am also confident that unless these facts get brought out in to the open, this practice of using fear and intimidation to manipulate the crew so that Supervisor Dow and the Commission may continue there personal agendas will not stop.

Let's start from the beginning.

In 1999, an opening in the Sewer Department came about due to a worker being injured on the job and leaving. I, along with several others applied for the position. It was awarded to Walter Carnes.

In the spring of 2004 I was approached by Walter and asked if I wanted to switch jobs with him. He explained that the Sewer Department wasn't what he expected and it was becoming very frustrating dealing with Supervisor Dow. After negotiating the trade with all parties involved, I transferred from DPW to the Sewer Department in June of 2004.

After a short time I began to notice some peculiarities in the Department. Supervisor Dow was rarely at work. He would however come in at night with various companies such as Rosano- Davis to perform inspections and cleanings of various stations and lines. When I asked if he needed help, the answer was always "no". He would also come in and take OT calls for what we call "nuisance" alarms. These alarms were usually resolved with a flick of a switch. This practice enabled Jim to accrue an immense amount of comp time every year. I believe more than the State Law allows. This practice continues to this day.

Once a week or so, he would have breakfast or lunch with Paul Davis or sometimes other contractors that the Town is supposed to have impartial business with.

During the regular work hours, he would send the crew to meet any contractors that were scheduled to work for the department. The crew is required to maintain the stations, report problems, perform service calls to the Weir River Phase 1 Sewer District, mark out connections and various other duties. These duties were increasing almost weekly.

I suspect that some of these duties may in fact be on the Supervisor's Job Description and not the Crew's.

By late 2005, it became evident to me that Ed, Larry and I were on our own. Jim would meet us in the morning for a half hour, we would

tell him the problems that we've found so that he could call the appropriate contractors or order the appropriate parts that were needed, and then we wouldn't see him the rest of the day.

The problem is that the contractors weren't being called and the parts weren't being ordered. This left the crew to work in an increasingly dangerous environment.

I can only assume that at that time, the Sewer Commission was unaware of what was happening.

Things came to a head in late 2006 when Commissioner Brandt discovered that a pair of new pumps had been placed at Walton Cove Station for installation and hadn't been installed for over a year. This caused Brandt to start investigating and he discovered that Rosano-Davis had been getting the bulk of the contracting, yet there was very little visible sign of any work being performed.

This was when I got involved.

In December of 2006, when things started heating up, Supervisor Dow signed up for the FMLA, cleared his desk and abandoned his post. His job was protected under the FMLA, at least for the time being.

On December 5th, 2006 John Brandt asked me to take over as Supervisor for the department while Jim Dow was out. I told him I will keep the department running. This was the beginning of Jim's dislike for me.

I had several meetings with the Commission while I was Supervisor. At that time, Commissioner Salerno and I were on the same page. Our goal was to get the department running efficiently again.

While I was catching up on the work in the office, I received calls from various companies asking me to order various items, such as ice melt for instance. We had enough ice melt stored at the New Building behind the Fire Museum to melt the North Pole. In fact, the amount of ice melt that kept arriving previous to this particular phone call became a joke amongst the crew.

When I told the salesman; "No thanks" he said; "Why don't I sweeten the deal by giving you a free gift out of the Cabella's Catalog? You're still fishing, aren't you Jim?" I said; "This is Steve, and again, no thanks"

Jim Dow returned to work the day after Christmas and there wasn't enough ice melt in the world for him to warm up to me.

Commissioner Brandt continued to stay in contact with me for the next 2 months. Supervisor Dow was around a bit more, but his attitude worsened. A timesheet policy was put in place to keep track of his time.

On February 23, 2007 Commissioner Salerno called a meeting with the crew and apologized for the way things had been going. He told us that he needed us on his side.

On February 27th, 2007 I sustained a work related injury to my toe which caused me to be out of work until June, and even then, I was working part time until October 24th. During that time, the Commission's attitude changed towards me. I'm confident that Supervisor Dow was painting a negative picture of me.

This is when the harrassment really started.

In late 2007, Supervisor Dow started bringing in computer enhanced pictures of the crew. He would cut and paste our faces on various pictures, most of them pornographic. He would post the pictures on our Union Bulletin Board and sometimes throw darts at them.

One day, Selectman Riley came into Mill street Station and saw some of the pictures. Shortly after that, most of the pictures were destroyed, but I managed to save a couple of them. I have them with me today.

The crew as a whole started becoming intimidated.

I had financially suffered due to my injury and didn't need to lose more time at work, so I tried to deal with it as best as I could.

In mid February, 2008 Supervisor Dow was caught falsifying his timesheet. The whole crew got a letter of warning.

Commissioner Salerno had now done a 180 degree turn as far as his attitude with the crew. Not only were we being harrassed by Jim Dow, but Michael Salerno also started intimidating the crew. I'm still not sure what instigated the change in Mr. Salerno.

In mid March, Andrew Spath, an employee of Rosano- Davis pulled papers to run for Sewer Commission against John Brandt. John Brandt had become the only Commissioner trying to require Supervisor Dow to do his job.

In the meantime, the stations were falling apart and the crew's safety was being compromised. There had been an insulation fire in Bayberry Station while Ed Hunnefeld was working there. Hingham Light Supervisor, Ed McDonald, who was onsite at the time of the incident, said that Hunnefeld was lucky to get out of there alive.

On April 14, 2008, I received a call from Commissioner Brandt and he asked if I would file a grievance against Supervisor Dow for his lack of leadership. I told John Brandt that there is no Article in the contract for that. I asked why the Commission didn't take action against Dow. Brandt explained that he was out numbered in the Commission as far as reprimanding Supervisor Dow and his hands were tied.

The climate at work was getting very uncomfortable.

In April, 2008 I formally requested a safety meeting through David Basler, Human Resources Director. My hopes were that as the Human Resources Director and a neutral third party, he would insure that employee safety was addressed.

I was wrong.

Within a week, I was reprimanded in writing for some drummed up allegations by Jim Dow and Michael Salerno. I have all of this correspondence with me today.

Because I did not have a printer at my house, I had to email my

response letters to my brother-in-law, Peter Coletti so that he could print them out for me. This is when Peter started paying attention to what was going on in the department.

In May, Andrew Spath was elected as Commissioner. This was a turning point, now that the crew's ally, John Brandt, was no longer involved.

On May 7th, 2008 Commissioner Ed Demko came to South Street Station. I told him that I was worried about my employment with the Town and that I don't want to be fired. He told me everything will be ok as long as I "stop writing letters".

In late May, 2008 I sent a second request for a safety meeting to Michael Salerno. As Pump Station Operator, it's my job to report these issues.

On June 11, 2008 We had a Safety Meeting. Andrew Spath was in attendance. To this day, some of the items, including issues with Bayberry Station, have not been properly addressed.

On July 9, 2008, we had an informal grievance meeting with Michael Salerno because Jim Dow had taken 20 OT calls in a short amount of time. When he took all of those calls, which is a violation of the Union contract, he did not perform the work that needed to be done. Instead, the crew came in during regular hours and in some cases, had to deal with grinder pump chambers that were overflowing all over the residents property. This was blatant disregard for the crew, but more importantly, this was blatant disregard for the rate payers.

2 days later, on July 11 just before lunchtime, I received a harrassing message on my personal cell phone from Michael Salerno. I don't need to tell you any more about it because I saved it on my phone and I can play it right now if you'd like to hear it.

3 days after that I received 2 more bogus letters of reprimand. I have those letters with me as well.

At that point, Supervisor Dow and the Commission had succeeded in inimidating me to the point that I was constantly looking over my

Dow, and when we did see him, all he did was criticize our work performance. No matter what we did it was wrong, or in the wrong order. I decided that a daily work order from Dow may be the best way to make sure we do things his way.

On October 9, 2008 there was a Formal Grievance Meeting at the Town Hall for the OT calls that Dow took. I did not attend for fear of retaliation.

On January, 27th 2009 there was another Safety Committee Meeting. This was not requested by me and I did not attend. I was afraid.

The next day Supervisor Dow was at work and made a point to start trouble. Apparently Union Steward Rick Borowski had gotten my June 2008 Safety Concerns Document from former Steward Boyle and was revisiting it at the meeting the day before. Dow started raising his voice to me and I told him that I didn't want to speak with him without a Union Representative present.

Supervisor Dow was gone during the month of February and the crew carried on without him. It was no different then when he was supposedly there.

On March 4th, I was unjustly terminated for stopping at home with the Town truck a month earlier, just minutes from the nearest station, to get a change of clothes before working all night plowing snow for the DPW.

The Commission made sure to keep me employed while Dow was out so I could cover for him, then fired me upon his return.

On March 18th, 2009 at a meeting very similar to this one, I was reinstated. The minutes to that meeting are available on the Town Web Site.

Around this time, Peter Coletti decided to run for Sewer Commission.

While emptying the Mill Street Station rubbish barrel at the dump one day, I noticed a phone bill with Jim Dow's name on it. It was a bill for his work cell from May/June of 2008. It shows that 99% of the calls

made during working hours were made from other towns. How can he be at work when he's in another town? And, why would a bill like that be in the rubbish at a station rather than at Town Hall in a file? It might be interesting to compare the bill to his timesheets. A responsible Commission would do just that. You're elected by the people to look out for the best interest of the Town.

I have the bill with me today if anyone would like to see it.

The on the job harrassment still didn't stop.

On April 27, 2009, prompted by some more negative dealings with Supervisor Dow, I called Andrew Spath directly and told him that I'm still nervous about my job. Andrew told me that he was now in charge of Personnel and we're all on the same page. My job is secure. He told me that he would set up a friendly meeting in the future.

The next day, Andrew stopped by Broad Cove Station in the morning. During the conversation, he told me that he ran for Sewer Commission because he knew that Jim Dow was being harrassed by John Brandt.

I have to say right now, all John Brandt was doing was trying to get Jim Dow to do his job.

Andrew then told me that we don't need to worry about our jobs, life is hard enough. He called Jim Dow to the meeting and after some discussion, the meeting ended on a fairly positive note.

On May 1, 2009 Michael Salerno was re elected to the Commission. I feared that this meant more trouble ahead for me.

Throughout the summer I was repeatedly told by Supervisor Dow to "watch out" Michael's around today... Or "Michael wants to know why you guys were here, or there" Supervisor Dow began harrassing us through Michael Salerno, or vise versa... I couldn't tell anymore.

My work log can give you a more detailed account.

The stress level at work was escalating... Sometimes we caught Dow



trying to sneak up on us, other times we wouldn't catch him. He would park a block away from a station, creep around the back side and then pop in the door, trying to catch us off guard. On one occasion, he went as far as to perform a "White Glove Test" on a window sill at South Street Station. Meanwhile, downstairs in the pump room, the pipework is rusted to the brink of collapse and leaking sewage all over the floor. I've reported this in my June 2008 Safety Document and I have pictures of this.

It makes for a very unsettling work environment.

On August 17, 2009 I met with Selectman Bruce Rabuffo. I told Bruce that I need advice on keeping my job. I told him that if the crew does "A", Dow tells us we should've been doing "B" If we do "B", Dow tells us we should've been doing "C" If we do "C", we are told we should've done "A". It's a no win situation. Keep in mind, this is only when we see Dow, and we didn't see much of him.

Bruce and I discussed the need for a daily work order that we can follow. He said for me to have the Union request it. Then I'll have a legitimate grievance if the harrassment continues.

I told him of the safety concerns within the department, along with Bayberry Station. I told him that I still hadn't received my Confined Space Entry Training. He asked me to have the Union Steward give him a copy of the June 2008 Safety Document. It was a very good conversation and I found Bruce Rabuffo very approachable.

On August 24, 2009 I spoke to Steward Rick Borowski and he met with Bruce Rabuffo just a week or so after that. I did not, however have the Union request a daily work order from Supervisor Dow or the Commission, for fear of retaliation.

On September 24, 2009, while at Broad Cove Station, we were approached by Dave Levinson of the HFD. My guess is that Selectman Rabuffo spoke to the Fire Department. Dave was asking what our confined space concerns were. We discussed Bayberry Station.

Just 2 weeks later, on October 8, 2009 Dow told me that Michael

Salerno and Dave Basler wanted to give me a letter of reprimand for an alleged incident that occurred during the 2 weeks that I was terminated. How could I be reprimanded again when I was already fired? Not to mention, I had been back to work nearly 7 months. I have a copy of that response letter with me as well.

Every time an issue about safety came up, I have been subject to retaliation.

The crew and I managed to get through the rest of the fall and most of the winter without too much incident. Supervisor Dow's attitude towards me, his attendance and ability to order needed parts or work never improved, and we've still been snuck up on, and made snide remarks to. To this day there is a brand new pump waiting to be installed at Malcolm Street Station that's been sitting there for months. Dow can't get the right parts to the bail lift.

In late February, 2010 the crew met with B.A. Steven South, Teamsters Local #25 to discuss safety issues within the department.

Shortly after our meeting with Mr. South, Teamsters Local #25 President Sean O'Brien sent a letter to the Sewer Commission requesting a meeting.

On March 11, 2010, the date of which today's meeting is about, I was harassed again by Supervisor Dow about my performance at work. I have a detailed account of the conversation with me today in my work log.

On March 15, 2010, Larry Hallahan received 2 electrical shocks while operating Bayberry Station. I asked him why he didn't fill out an accident report and he told me that he only has a couple years left until retirement. He didn't want to make waves.

I find it unacceptable that someone would be so intimidated at work that he would rather risk future injury rather than to formally report an accident on the job.

On March 16 I approached Supervisor Dow with the issue. He told me not to touch any metal while operating the station. He put a sign

in the station that states just that. I have pictures of Bayberry Station with me today that were taken shortly after the accident.

Around this time, Peter Coletti decided to run for Sewer Commission for a second time.

Through the following weeks, Jim Dow became more aggressive again... The message was clear... If Dow has to be at work and address safety concerns, he's going to make it hard for the crew.

Also in the following weeks, through conversation, I found out that various electricians employed by Brite Lite Electric have been sent to assess Bayberry Station. They couldn't find the reason for Larry's shock. We were never told of this by either Jim Dow or the Commission. I had to stumble across the information. One could also conclude that there may *still* be a hazardous situation down there. They couldn't find a reason why he was shocked, yet he was shocked.

In late April, 2010, I started an email conversation with Commissioner Salerno regarding the return to Mill Street Station, the only station with a toilet and our lockers. I also expressed that there were other topics of discussion, as well as the fact that I wanted to meet in a friendly fashion. I have all email correspondence with me today.

We've been displaced from our base of operations at Mill Street Station for 18 months now. I've approached all members of the Commission and Supervisor Dow about this numerous times. The reason I've been told we cannot return to Mill Street Station is so Michael Salerno can keep an eye on us. If you take a look at my work log, I think that you will agree that we do what needs to be done in the department without need of a watchful eye. Furthermore, if Michael Salerno is keeping an eye on us, why do we did need Supervisor Dow?

"The crew and I are tired of urinating next to a fence Michael. After you unjustly terminate me today will you please allow the others to return to the only station with a bathroom in it? We are not sub human."

After a few unsuccessful attempts to meet with Commissioner Salerno, I discussed the crew's options with Steve South. I was urged to file a complaint with the Mass Division Of Occupational Safety, which I did on June 14th, 2010. I have that document with me today.

Less than 2 weeks later, on June 26th, 2010 I received written notification of this meeting today in which I'm being accused of insubordination that allegedly took place over 4 months ago. 4 months ago... If I did something that warrants discipline, why would any Supervisor or Commissioner wait 4 months to address the issue, coincidentally just 11 days after I filed a complaint with the State? Again, I have a detailed record of that day in my work log and I'll be happy to read it or give copies to anyone that is interested.

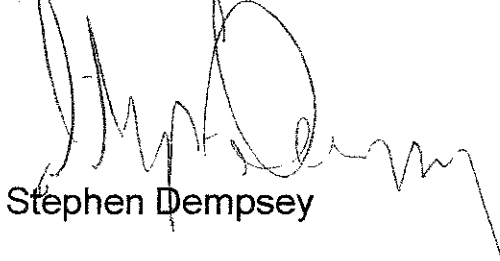
This Commission should be ashamed of themselves.

In closing, I'd like to quickly remember Eddy Morton. In 1985, after repeatedly telling the Town of safety concerns with the aerial bucket truck, Eddy Morton did as he was instructed, and went to work in the bucket on Mill Lane. The bucket gave way and Ed landed on a chain link fence and died needlessly. He died.

How many times does history need to repeat itself before someone listens?

My final question to the Commission is; Why don't you want to make the stations safe and why are you protecting Supervisor Jim Dow?

Thank You.



Stephen Dempsey

7/13/10